

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MITCHELL TISCHAUSER,
DELOS W. LUEDTKE,
PADEN ROTHENBERGER,
DUSTIN J. DEMITRIOU, and
RONDA DEMITRIOU,

Plaintiffs,

v.

DONNELLY TRANSPORTATION, INC.,
JOSUE R. HIDALGO-CLARKE,
FIREBIRD TRUCKING, INC.,
MODE TRANSPORTATION, LLC,
SYSCO CORPORATION,
ACE PROPERTY & CASUALTY
INSURANCE COMPANY, and
STATE NATIONAL INSURANCE CO., INC.,

Defendants.

Case Nos. 20-C-1291, 20-C-1917,
21-C-220, 21-C-965,
23-C-538, 23-C-539,
and 23-C-556

ORDER

These consolidated cases arise out of a motor vehicle accident that occurred on January 24, 2020 on U.S. Highway 45 in the Town of Caledonia in Waupaca County, Wisconsin. This matter comes before the court on State National Insurance Co. Inc.'s motion to deem admitted several requests for admission on Firebird Trucking Inc., in connection to State National's crossclaim against Firebird. On February 28, 2023, State National served requests for admission upon Firebird, pursuant to Rule 36(a)(1) of the Federal Rules of Civil Procedure. On April 27, 2023, Firebird answered State National's requests for admission, which State National found to be "nonspecific, evasive, ambiguous, and [did] not meet the substance of the requested admissions." Mot. to Deem Facts Admitted ¶ 3, Dkt. No. 191. Firebird's attorneys in the crossclaim filed a

motion to withdraw as counsel, which the court granted on May 26, 2023. In allowing the withdrawal, the court reminded Firebird that, with respect to the crossclaim, corporations must be represented in court by attorneys admitted to practice. However, Firebird has yet to retain new coverage counsel. On August 18, 2023, State National filed a motion to deem facts admitted, asking the court to deem admitted Request Nos. 2 through 6 of State National's Requests for Admission on Firebird. *Id.* ¶ 24. State National never served its motion to deem facts admitted on Firebird and, consequently, Firebird has not responded to the motion.

Accordingly, the court directs State National to file a certificate of service on Firebird. Firebird's response to State National's motion to deem facts admitted will be due twenty-one days after service. The Clerk is directed to send a copy of this order to Firebird's registered address at 7263 S. Harlem Ave., Bridgeview, IL 60455, and to its President's address at 3047 S. Lymon Street, Chicago, IL 60608. Mot. to Withdraw as Counsel at 3, Dkt. No. 178. The court reminds Firebird that it must retain new counsel with respect to the crossclaim, as noted in the court's order on May 26, 2023.

SO ORDERED at Green Bay, Wisconsin this 11th day of October, 2023.

s/ William C. Griesbach

William C. Griesbach
United States District Judge